

Remarks/Arguments

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Claims 21, 31, and 41 have been amended. Claims 22-30 and 32-40 have been maintained in their current form.

Rejections under 35 U.S.C. § 102

Claims 21-30

Claim 21 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,167,448 to Hemphill, et al. ("Hemphill"). MPEP § 2131 requires that, "[t]o anticipate a claim, the reference must teach every element of the claim..." Applicant submits that this reference fails to teach every element of claim 21, as amended, and does not anticipate the subject matter of claim 21 under 35 U.S.C. § 102(e).

Claim 21 now recites in part, "automatically and sequentially passing the event to each subscriber on the list having associated filters that allow the event to pass and allowing such subscribers to act on the event until the subscriber list is exhausted or the event terminated." This is neither taught nor suggested by Hemphill.

A careful reading of Hemphill reveals that Hemphill is directed to "an improved and enhanced ability to deliver event-related information of a managed device to a management server of a network" (col. 2, lines 31-34, emphasis added). Thus, events are not passed to subscribers who are allowed to act on them as required by claim 21. Hemphill also states that, "[t]he management server 102 enables the user to select a managed element 104 and view detailed information about that device." This stands in contrast to "automatically and sequentially passing [an] event to each subscriber on [a] list," as recited in claim 21. Thus claim 21 should be allowable over the cited reference.

Dependent claims 22-30 depend from and further limit claim 21 and are allowable for at least the same reasons as claim 21.

Claim 31-40

Claim 31 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,650 to Slaughter, et al. ("Slaughter"). Claim 31 has been amended and Applicant submits that claim 31 is now in condition for allowance.

Applicant respectfully points out that in addition to the currently amended portions, claim 31 recites "instantiating the event as a Data Object Model (DOM) class when services required by the event are unavailable." The Examiner has previously cited Fig. 9 of Slaughter in support of this element but Applicant is unable to find a teaching of this element in Fig. 9 or the accompanying text of Slaughter. The Examiner has previously indicated that some elements of the pending claims may be considered to be "inherent" in the cited references. In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. (MPEP § 2112). Therefore, Applicant respectfully requests that the Examiner provide such reasoning so that Applicant may explain distinctions, or effectively amend the claims.

Claims 32-40 depend from and further limit independent claim 31 and should therefore be in condition for allowance as well.

Claim 41

Claim 41 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,173,289 to Sonderegger, et al. ("Sonderegger"). Claim 41 has been amended and Applicant submits that it is now in condition for allowance. Claim 41 now recites in part, "allowing the first subscriber to modify or terminate the event based on an alteration of at least one of the event parameter and the object parameter." Applicant submits that this is neither taught nor suggested by the cited art and claim 41 should be in condition for allowance.

Conclusion

Therefore, it is respectfully submitted that independent claims 21, 31, and 41 are in condition for allowance. Dependent claims 22-29 and 32-40 depend from and further limit their respective independent claims and are allowable as well.

Should the Examiner deem that any further amendment is needed to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

Timothy F. Bliss

Timothy F. Bliss
Registration No. 50,925

Dated: November 24, 2004

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972/739-8638
File: 26530.56 / IDR-452

r-92336.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.

Gayle Conner

Gayle Conner